

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 6341 of 2007

Date:29-03-2007

Between:

Smt.Safia Bee and 12 others

PETITIONERS

AND

The Station House Officer, Shameerpur P.S., Shameerpur and 7 others

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RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the 1st respondent in refusing to register the complaint and forcing the petitioners to settle the dispute with the 8th respondent as illegal and arbitrary.

2. The petitioners submit that the petitioners and the respondents 3 to 7 are the joint owners of the property in question and therefore, the petitioners have filed the suit O.S.No.409 of 2006 on the file of the II Additional District Judge, Ranga Reddy for partition and separate possession and the said suit is pending. It is stated that I.A.No.1050 of 2006 is also filed seeking injunction and the same is pending. Pending the suit, the respondents 3 to 6 sold the land to the 8th respondent. It is stated that the 7th respondent and Ramesh, Ex-sarpanch of Malakpet along with their associates continuously interfering with their possession and enjoyment and also threatening them, then they made a written representation, dated 15.03.2007 before the first respondent to take necessary action to protect their lives and prevent them from interfering with their possession and enjoyment of the landed property. But, the said written representation has not been entered into general diary and no F.I.R. has been registered. It is further stated that the first respondent is interfering with the civil disputes and pressurizing the petitioners to settle the dispute by entering into compromise.

3. Whenever the written representation has been filed by the individuals alleging that a cognizable offence has been committed and if the station house officer concerned is not inclined to register the F.I.R., it is open for them to make a representation to the Superintendent of Police and also file a private complaint before the concerned Magistrate to get the crime registered and investigated into the matter immediately.

4. No such complaint has been filed by the petitioners before the Superintendent of Police. Without there being any representation

before the higher authorities, it cannot be just and proper for this Court to appreciate the said contention.

In view of the above, the writ petition is dismissed with liberty to take appropriate steps to get the said complaint registered by filing a private complaint. It is always open for the petitioners to make a representation before the Superintendent of Police about the alleged interference of the first respondent. No costs.

V.ESWARAIAH, J.

Date:29.03.2007
CCM